

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ESTATE OF BERNARD J. SHERLIP, individually  
and on behalf of all others similarly situated,

Plaintiff,

vs.

MORGAN STANLEY, MORGAN STANLEY &  
CO. LLC, and MORGAN STANLEY SMITH  
BARNEY LLC.,

Defendants.

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 07/08/2024

Case No. 24-CV-4571 (VEC)

**STIPULATION AND  
~~PROPOSED~~ ORDER**

Plaintiff Estate of Bernard J. Sherlip (“Plaintiff”) and Defendants Morgan Stanley, Morgan Stanley & Co. LLC, and Morgan Stanley Smith Barney LLC (“Defendants” and together with Plaintiff, the “Parties”), by and through their respective undersigned counsel, hereby stipulate and agree, subject to the Court’s approval, as follows:

WHEREAS, on June 14, 2024, Plaintiff filed its complaint in the above-captioned action (Doc. No. 1) (the “Complaint”);

WHEREAS, the Parties have conferred and agree that extending Defendants’ time to move against, answer, or otherwise respond to the Complaint, as well as Plaintiff’s time to respond to any motion to dismiss, would conserve the resources of the Parties and this Court;

NOW, THEREFORE, the Parties stipulate and agree, subject to the approval of the Court, as follows:

1. Pursuant to Fed. R. Civ. P. 4(d), Defendants waive service of a summons.
2. Defendants’ deadline to move against, answer, or otherwise respond to the Complaint is extended to August 30, 2024.

3. If Defendants file a motion to dismiss the Complaint, Plaintiff shall file any opposition to Defendants' motion to dismiss the Complaint on or before October 9, 2024.

4. Defendants shall file any reply in further support of its motion to dismiss the Complaint on or before November 8, 2024.

5. There have been no previous requests for an extension of time for the Defendants to move, answer, or otherwise respond to the Complaint.

6. By entering this stipulation, the Defendants expressly reserve and do not waive their rights to assert any defense, except for the defenses of insufficient process, Fed. R. Civ. P. 12(b)(4), and insufficient service of process, Fed. R. Civ. P. 12(b)(5).

*[SIGNATURE BLOCK APEARS ON FOLLOWING PAGE]*

Dated: New York, New York  
July 3, 2024

Respectfully submitted,

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*Counsel for Plaintiff and the Proposed Class*

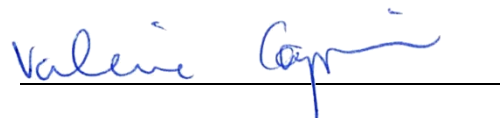
**SO ORDERED.**

Dated: 07/08/2024

/s/ Brian S. Weinstein  
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LLC, and Morgan Stanley Smith  
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HON. VALERIE E. CAPRONI, U.S.D.J.